

REFERENCE TITLE: voter-protected funding; temporary deficit suspension

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HCR 2028

Introduced by
Representative Biggs

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,
PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO VOTER-PROTECTED
FUNDING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Legislative authority: initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 the state shall be vested in the legislature, consisting of a
10 senate and a house of representatives, but the people reserve
11 the power to propose laws and amendments to the constitution and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten per ~~centum~~ CENT of the
19 qualified electors shall have the right to propose any measure,
20 and fifteen per ~~centum~~ CENT shall have the right to propose any
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date
23 of acts. The second of these reserved powers is the referendum.
24 Under this power the legislature, or five per ~~centum~~ CENT of the
25 qualified electors, may order the submission to the people at
26 the polls of any measure, or item, section, or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 the state government and state institutions; but to allow
31 opportunity for referendum petitions, no act passed by the
32 legislature shall be operative for ninety days after the close
33 of the session of the legislature enacting such measure, except
34 such as require earlier operation to preserve the public peace,
35 health, or safety, or to provide appropriations for the support
36 and maintenance of the departments of the state and of state
37 institutions; provided, that no such emergency measure shall be
38 considered passed by the legislature unless it shall state in a
39 separate section why it is necessary that it shall become
40 immediately operative, and shall be approved by the affirmative
41 votes of two-thirds of the members elected to each house of the
42 legislature, taken by roll call of ayes and nays, and also
43 approved by the governor; and should such measure be vetoed by
44 the governor, it shall not become a law unless it shall be
45 approved by the votes of three-fourths of the members elected to

1 each house of the legislature, taken by roll call of ayes and
2 nays.

3 (4) Initiative and referendum petitions; filing. All
4 petitions submitted under the power of the initiative shall be
5 known as initiative petitions, and shall be filed with the
6 secretary of state not less than four months preceding the date
7 of the election at which the measures so proposed are to be
8 voted upon. All petitions submitted under the power of the
9 referendum shall be known as referendum petitions, and shall be
10 filed with the secretary of state not more than ninety days
11 after the final adjournment of the session of the legislature
12 which shall have passed the measure to which the referendum is
13 applied. The filing of a referendum petition against any item,
14 section, or part of any measure shall not prevent the remainder
15 of such measure from becoming operative.

16 (5) Effective date of initiative and referendum measures.
17 Any measure or amendment to the constitution proposed under the
18 initiative, and any measure to which the referendum is applied,
19 shall be referred to a vote of the qualified electors, and shall
20 become law when approved by a majority of the votes cast thereon
21 and upon proclamation of the governor, and not otherwise.

22 (6) (A) Veto of initiative or referendum. The veto
23 power of the governor shall not extend to an initiative measure
24 approved by a majority of the votes cast thereon or to a
25 referendum measure decided by a majority of the votes cast
26 thereon.

27 ~~(6)~~ (B) Legislature's power to repeal initiative or
28 referendum. The legislature shall not have the power to repeal
29 an initiative measure approved by a majority of the votes cast
30 thereon or to repeal a referendum measure decided by a majority
31 of the votes cast thereon.

32 ~~(6)~~ (C) Legislature's power to amend initiative or
33 referendum. The legislature shall not have the power to amend
34 an initiative measure approved by a majority of the votes cast
35 thereon, or to amend a referendum measure decided by a majority
36 of the votes cast thereon, unless the amending legislation
37 furthers the purposes of such measure and at least three-fourths
38 of the members of each house of the legislature, by a roll call
39 of ayes and nays, vote to amend such measure.

40 ~~(6)~~ (D) Legislature's ~~power~~ **AUTHORITY** to appropriate or
41 divert funds created by initiative or referendum. **EXCEPT AS**
42 **OTHERWISE PROVIDED BY THIS PARAGRAPH**, the legislature shall not
43 have the ~~power~~ **AUTHORITY** to appropriate or divert funds created
44 or allocated to a specific purpose by an initiative measure
45 approved by a majority of the votes cast thereon, or by a

1 referendum measure decided by a majority of the votes cast
2 thereon, unless the appropriation or diversion of funds furthers
3 the purposes of such measure and at least three-fourths of the
4 members of each house of the legislature, by a roll call of ayes
5 and nays, vote to appropriate or divert such funds. IF THE
6 RESPECTIVE BUDGET OFFICES OF THE GOVERNOR AND THE LEGISLATURE
7 JOINTLY ISSUE A WRITTEN FINDING THAT A BUDGET DEFICIT EXISTS
8 AFTER THE SECOND QUARTER OF A FISCAL YEAR, BEFORE ENACTING
9 LEGISLATION ESTABLISHING OR INCREASING ANY TAX OR FEE, THE
10 LEGISLATURE MAY FOR THAT FISCAL YEAR APPROPRIATE OR DIVERT FUNDS
11 CREATED OR ALLOCATED BY INITIATIVE OR REFERENDUM.

12 (7) Number of qualified electors. The whole number of
13 votes cast for all candidates for governor at the general
14 election last preceding the filing of any initiative or
15 referendum petition on a state or county measure shall be the
16 basis on which the number of qualified electors required to sign
17 such petition shall be computed.

18 (8) Local, city, town or county matters. The powers of
19 the initiative and the referendum are hereby further reserved to
20 the qualified electors of every incorporated city, town, and
21 county as to all local, city, town, or county matters on which
22 such incorporated cities, towns, and counties are or shall be
23 empowered by general laws to legislate. Such incorporated
24 cities, towns, and counties may prescribe the manner of
25 exercising said powers within the restrictions of general laws.
26 Under the power of the initiative fifteen per ~~centum~~ CENT of the
27 qualified electors may propose measures on such local, city,
28 town, or county matters, and ten per ~~centum~~ CENT of the electors
29 may propose the referendum on legislation enacted within and by
30 such city, town, or county. Until provided by general law, said
31 cities and towns may prescribe the basis on which said
32 percentages shall be computed.

33 (9) Form and contents of initiative and of referendum
34 petitions; verification. Every initiative or referendum
35 petition shall be addressed to the secretary of state in the
36 case of petitions for or on state measures, and to the clerk of
37 the board of supervisors, city clerk, or corresponding officer
38 in the case of petitions for or on county, city, or town
39 measures; and shall contain the declaration of each petitioner,
40 for himself, that he is a qualified elector of the state (and in
41 the case of petitions for or on city, town, or county measures,
42 of the city, town, or county affected), his post office address,
43 the street and number, if any, of his residence, and the date on
44 which he signed such petition. Each sheet containing
45 petitioners' signatures shall be attached to a full and correct

1 copy of the title and text of the measure so proposed to be
2 initiated or referred to the people, and every sheet of every
3 such petition containing signatures shall be verified by the
4 affidavit of the person who circulated said sheet or petition,
5 setting forth that each of the names on said sheet was signed in
6 the presence of the affiant and that in the belief of the
7 affiant each signer was a qualified elector of the state, or in
8 the case of a city, town, or county measure, of the city, town,
9 or county affected by the measure so proposed to be initiated or
10 referred to the people.

11 (10) Official ballot. When any initiative or referendum
12 petition or any measure referred to the people by the
13 legislature shall be filed, in accordance with this section,
14 with the secretary of state, he shall cause to be printed on the
15 official ballot at the next regular general election the title
16 and number of said measure, together with the words "yes" and
17 "no" in such manner that the electors may express at the polls
18 their approval or disapproval of the measure.

19 (11) Publication of measures. The text of all measures to
20 be submitted shall be published as proposed amendments to the
21 constitution are published, and in submitting such measures and
22 proposed amendments the secretary of state and all other
23 officers shall be guided by the general law until legislation
24 shall be especially provided therefor.

25 (12) Conflicting measures or constitutional amendments. If
26 two or more conflicting measures or amendments to the
27 constitution shall be approved by the people at the same
28 election, the measure or amendment receiving the greatest number
29 of affirmative votes shall prevail in all particulars as to
30 which there is conflict.

31 (13) Canvass of votes; proclamation. It shall be the duty
32 of the secretary of state, in the presence of the governor and
33 the chief justice of the supreme court, to canvass the votes for
34 and against each such measure or proposed amendment to the
35 constitution within thirty days after the election, and upon the
36 completion of the canvass the governor shall forthwith issue a
37 proclamation, giving the whole number of votes cast for and
38 against each measure or proposed amendment, and declaring such
39 measures or amendments as are approved by a majority of those
40 voting thereon to be law.

41 (14) Reservation of legislative power. This section shall
42 not be construed to deprive the legislature of the right to
43 enact any measure except that the legislature shall not have the
44 power to adopt any measure that supersedes, in whole or in part,
45 any initiative measure approved by a majority of the votes cast

1 thereon or any referendum measure decided by a majority of the
2 votes cast thereon unless the superseding measure furthers the
3 purposes of the initiative or referendum measure and at least
4 three-fourths of the members of each house of the legislature,
5 by a roll call of ayes and nays, vote to supersede such
6 initiative or referendum measure OR AS OTHERWISE PROVIDED BY
7 THIS SECTION.

8 (15) Legislature's right to refer measure to the people.
9 Nothing in this section shall be construed to deprive or limit
10 the legislature of the right to order the submission to the
11 people at the polls of any measure, item, section, or part of
12 any measure.

13 (16) Self-executing. This section of the constitution
14 shall be, in all respects, self-executing.

15 2. The Secretary of State shall submit this proposition to the voters
16 at the next general election as provided by article XXI, Constitution of
17 Arizona.